

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

**Adopted and Filed**

**Rule making related to noxious weeds**

The Agriculture and Land Stewardship Department hereby amends Chapter 58, “Noxious Weeds,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 317.1C.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 317.

*Purpose and Summary*

The amendments add definitions and establish two priority lists of noxious weeds. One list identifies the noxious weeds for eradication, and the other list identifies the noxious weeds for control.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 5, 2018, as **ARC 4151C**. A public hearing was held on December 26, 2018, at 9 a.m. in the Wallace State Office Building, Des Moines, Iowa. No comments were received at the public hearing.

Ten written comments were received. The comments were generally supportive of the proposed amendments. Some commenters suggested specific changes to the lists of noxious weeds. In response to feedback received during the public comment period, rule 21—58.4(317) in Item 2 was changed from the Notice to ensure species of thistles belonging to the genus of *Cirsium* were not classified as Class B noxious weeds unless the thistles were specifically enumerated, such as Canada thistle and Bull thistle.

In addition, references to 2018 Iowa Acts, House File 2422, have been replaced with references to the Iowa Code as the provisions of House File 2422 have been codified.

*Adoption of Rule Making*

This rule making was adopted by the Department on January 10, 2019.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on March 6, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend rule 21—58.1(317) as follows:

**21—58.1(317) Definition. Definitions.** As used in this chapter, ~~“sterile”~~:

“Class A noxious weed for eradication” means a noxious weed determined by the department to be the highest priority for eradication of existing infestations and prevention of new infestations.

“Class B noxious weed for control” means a noxious weed determined by the department to be a priority for preventing new infestations and stopping the spread of the species.

“Sterile” means any plant or variety that is incapable of reproduction or which is either noninvasive or nonaggressive in that the plant does not spread into areas where it was not initially planted.

ITEM 2. Adopt the following new rule 21—58.4(317):

**21—58.4(317) Noxious weed lists.**

**58.4(1)** Class A noxious weeds for eradication. The following weed is included:

- a. Palmer amaranth (*Amaranthus palmeri*).
- b. Reserved.

**58.4(2)** Class B noxious weeds for control. The following weeds are included:

- a. Canada thistle (*Cirsium arvense*).
- b. Teasel (*Dipsacus spp.*) biennial.
- c. Leafy spurge (*Euphorbia esula*).
- d. Bull thistle (*Cirsium vulgare*).
- e. Multiflora rose (*Rosa multiflora*).
- f. European morning glory or field bindweed (*Convolvulus arvensis*).
- g. All other species of thistles belonging in the genus of *Carduus*.

ITEM 3. Amend **21—Chapter 58**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 317.1C and 317.25.

[Filed 1/10/19, effective 3/6/19]

[Published 1/30/19]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/30/19.